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UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
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RE: NLRB v. New Vista Nursing and Rehabili
Case Numbers: 11-3440/12-1936/12-1027
District Case Number: 22-CA-29988

Dear Counsel:

The Court requests that the parties be prepared to address the following questions at oral argument:

- 1) For purposes of our jurisdiction under section 10(e) of the NLRA, what effect, if any, do pending motions for administrative reconsideration have on the finality of the order for which the NLRB seeks enforcement?
- 2) If the NLRB lacked a proper quorum at the time it filed the administrative record with this Court, why aren't we required, under section 10(e) of the NLRA, to remand the record to the NLRB so that it can take action via a properly constituted quorum?
- 3) In light of *New Process Steel, L.P. v. N.L.R.B.*, 560 U.S. 674 (2010), and *N.L.R.B. v. Noel Canning*, 134 S. Ct. 2550 (2014), would remanding this case so that the NLRB may take action with a properly constituted quorum be the most efficient approach?

Very truly yours,

Marcia M. Waldron
Marcia M. Waldron, Clerk

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